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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

MARKEL INSURANCE COMPANY	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 24-cv-181
	)	
TRINITY TEEN SOLUTIONS, INC., ANGELA C.	)	
WOODWARD, JERRY D. WOODWARD, KARA	)	
WOODWARD, KYLE WOODWARD, and	)	
DALLY-UP, LLC,	)	
	)	
Defendants.	)	

**MARKEL INSURANCE COMPANY’S MOTION TO DISMISS  
AMENDED COUNTERCLAIMS OF DALLY-UP, LLC, ANGELA C. WOODWARD,  
JERRY D. WOODWARD, KARA WOODWARD, AND KYLE WOODWARD**

Counter-Defendant Markel Insurance Company (“MIC”), by and through its counsel, move this Court pursuant to Fed.R.Civ.P. 12(b)(6) for an Order dismissing the amended counterclaims filed by Dally-Up, LLC, Angela C. Woodward, Jerry D. Woodward, Kara Woodward, and Kyle Woodward. In support of its motion, MIC states as follows:

1. MIC initiated this action for a declaratory judgment that it is not obligated to defend or indemnify defendants Trinity Teen Solutions, Inc. (“Trinity”), Dally-Up, LLC (“Dally-Up”), and Angela C. Woodward, Jerry D. Woodward, Kara Woodward, and Kyle Woodward (together, the “Woodwards,” and together with Dally-Up, “Defendants”) under commercial liability package policies issued to Trinity in an underlying action currently pending before this Court.

2. Dally-Up answered MIC’s complaint and filed a four-count counterclaim against MIC for waiver, estoppel, promissory estoppel (or, in the alternative, negligent misrepresentation), and bad faith claims handling. (*See* ECF No. 14). The Woodwards, together, also filed an answer and identical counterclaim. (*See* ECF No. 12).

3. After MIC filed a motion to dismiss Defendants’ initial counterclaims and Defendants filed an opposition brief, Defendants filed amended counterclaims (*see* ECF Nos. 24, 25), causing the Court to enter an order denying MIC’s original motion to dismiss as moot. (ECF No. 26).

4. MIC now moves this Court for an Order dismissing Defendants’ amended counterclaims with prejudice pursuant to Fed.R.Civ.P. 12(b)(6) because the counterclaims fail to allege sufficient facts to support claims for waiver, estoppel, promissory estoppel (or in the alternative, negligent misrepresentation), or bad faith claim handling.

5. In support of its motion, MIC contemporaneously files and refers the Court to its Memorandum in Support of its Motion to Dismiss Amended Counterclaims, as well as the counterclaims filed by Defendants and the record materials incorporated by the counterclaims.

WHEREFORE, Markel Insurance Company respectfully moves for the Court to grant this motion and enter an order:

- A. Dismissing the amended counterclaims of Dally-Up, LLC and Angela C. Woodward, Jerry D. Woodward, Kara Woodward, and Kyle Woodward (ECF Nos. 24 and 25) with prejudice;
- B. Awarding such other relief to which Markel Insurance Company may be entitled to as a matter of law or equity, or which the Court determines to be just and proper.

Dated: December 17, 2024

Respectfully submitted,

/s/ Jason R. Schulze

Jason R. Schulze

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*Counsel for Markel Insurance  
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**CERTIFICATE OF SERVICE**

I hereby certify that, on December 17, 2024, I electronically filed **Markel Insurance Company's Motion to Dismiss Amended Counterclaims** with the clerk of the court using the CM/ECF system which will send a notice of the electronic filing to all counsel of record.

/s/ Gar N. Lauerman